

Public Papers of the Presidents

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HEADLINE: Statement on Signing a Bill Amending Indian Laws

BODY:

Today I am signing S. 1846, a bill "To make miscellaneous amendments to Indian laws, and for other purposes." Our Constitution contemplates a special relationship between the Federal Government and Indian tribes, and I applaud the Congress for acting once again to fulfill our obligation to the tribes. S.1846 contains many provisions that will permit Federal agencies to administer more effectively laws affecting Indians. S. 1846 also contains, however, a provision that raises a serious concern.

The Supreme Court has made clear that the Congress and the executive branch may act to benefit members of Indian tribes, as opposed to Indians defined as a racial category, and I fully support efforts to provide such assistance. I am very concerned, however, that section 2(a) (6) of the bill authorizes racial preferences, divorced from any requirement of tribal membership, that will not meet judicial scrutiny under the Constitution. Accordingly, I am hereby directing interested Cabinet Secretaries to consult with the Attorney General to clarify and resolve this issue.

Notwithstanding this concern, I am approving S. 1846 because it does contain beneficial provisions.

George Bush

The White House, May 24, 1990

Note: S. 1846, approved May 24, was assigned Public Law No. 101-301. The statement was released by the Office of the Press Secretary on May 25.